

REMARKS

The undersigned counsel wishes to thank the examiner for the courtesy of the discussion regarding this application on August 28, 2007.

The examiner is respectfully requested to confirm that the drawings are accepted.

Claims 1-43 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 2-23 are indicated as being allowable if rewritten in independent form and to overcome the rejection under 35 USC 112, second paragraph. Claims 24-43 are indicated as being allowable if amended to overcome the rejection under 35 USC 112, second paragraph.

Claims 1-43 were rejected under 35 USC 112, second paragraph, as being indefinite. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claims 1 and 24 are rejected because there is no distinction between the claim preamble and body. Accordingly, claims 1 and 24 have been amended to include the designation "comprising:" and to distinguish between claim preamble and body.

Claim 24 is also rejected for use of the designation "new frequency bands." Claim 24 has been amended to better recite the band field with the new frequency bands.

Claim 2 is rejected for use of the designation "5 MHz*N" in connection with the 802.11 algorithm. Claim 2 has been amended to refer to an extended 802.11h algorithm.

The examiner is therefore respectfully requested to reconsider and withdraw the rejection of these claims.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by IEEE 801.11h standard ("Standard"). The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 1 has been amended to recite, in combination, "inserting, in the 802.11h format, a band field, wherein the band field indicates frequency bands to which a channel number in the 802.11h symbol field refers." Support for the amendment is located in the application as filed, for example, page 6, lines 27-28 and FIG. 2; page 8, lines 13-14, FIG. 8; etc.

The office action asserts that the Standard discloses the invention as claimed. To the contrary, the Standard fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. The Standard fails to teach or suggest, for example, the band field which includes the frequency bands to which a channel number in the 802.11h symbol field refers. (See, e.g., claim 1.) There simply is no such band field in the standard.

The Standard fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over the Standard.

It should be noted that all of the claims dependent from claim 1 were indicated as allowable if rewritten in independent form and to overcome the rejection under 35 USC 112, second paragraph. Accordingly, the dependent claims are believed to be allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination which were found to be allowable over the references.

The applicants respectfully submit that, as described above, the cited art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited art.


Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the cited art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited references.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Texas Instruments Incorporated's Deposit Account No. 20-0668.

This Amendment is submitted by the undersigned registered patent attorney in accordance with 37 CFR 1.34.

Respectfully submitted,



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